



Dow Jones &amp; Reuters

LOCAL

**Fishing industry opposes listing oyster as endangered U.S. panel hears testimony as agency studies protection for species in Chesapeake**

Tom Pelton

815 words

20 July 2005

The Baltimore Sun

FINAL

1B

English

Copyright 2005, The Baltimore Sun. All Rights Reserved.

WASHINGTON

WASHINGTON - Commercial fishing advocates from Louisiana to Rhode Island joined Maryland in objecting to the proposed listing of the Eastern **oyster** as an endangered species, saying it's unnecessary and would kill the troubled industry.

"We believe this petition is a misuse of the Endangered Species Act," said S. Lake Cowart Jr., vice president of the Cowart Seafood Corp. of Virginia. "The Eastern **oyster** is not in danger of extinction; healthy populations exist in the Gulf Coast states and the north Atlantic, which makes up the majority of its range."

The hearing before the U.S. House **Committee on Resources** yesterday came as the National Oceanic and Atmospheric Administration studies whether to protect the *crassostrea virginica*, also known as the Eastern or Chesapeake native **oyster**.

The agency will decide by Jan. 11 whether to recommend protecting the species, whose populations have fallen in the Chesapeake by more than 99 percent over the last century because of pollution, parasites and over-harvesting.

The study was triggered by a petition filed in January by a Maryland environmentalist, Dieter Busch, who argued that plummeting Eastern **oyster** populations could be snuffed out by a proposal to introduce Asian oysters into the bay.

The Ehrlich administration is studying the possibility of seeding Asian oysters into the bay, with a study on the subject due this winter. Some of the 11 witnesses at yesterday's hearing complained that the petition was a back-door attempt to use the Endangered Species Act to derail the Asian **oyster** proposal.

The committee chairman, Rep. Richard W. Pombo, a California Republican, said this case highlights the need to revise the act to prevent people from "statute shopping" and using the law to stop any project they don't like.

"The petitioner is attempting to manipulate the Endangered Species Act to try to clean up the Chesapeake Bay," Pombo said. "This is another reason why the Endangered Species Act needs to be updated and improved."

Environmental groups have said that Pombo's attempts to alter the act - which could be voted on in September - are an effort to help developers by gutting one of the most successful conservation programs in history. The act has helped to save the bald eagle and grizzly bear, among other species, advocates say.

Christopher Judy, shellfish program director with the Maryland Department of Natural Resources, complimented Pombo on his testimony yesterday regarding oysters.

"The Eastern **oyster** does not qualify for the Endangered Species Act listing," Judy said. The **oyster's** population is low, Judy said, but hundreds of millions of native oysters remain in the Chesapeake, infected by parasites called MSX and Dermo. The organism kills up to 90 percent of the bivalves by the time they reach the age of 4, when they're old and large enough for harvesting.

But the parasites allow the oysters to live for three years. They start reproducing at the age of 1, and can live long enough to continue the species - even though they rarely grow large enough these days for the seafood industry.

Several fishing company directors testified yesterday that harvesting of Eastern oysters in Long Island Sound and New England is growing through aquaculture, which includes artificial growing and seeding of the oysters.

The natural **oyster** populations in these areas were devastated years ago by pollution. But industry representatives worried that even farming for harvest would be hurt by protection of the Eastern **oyster** under the Endangered Species Act.

Robert B. Rheault, president of the East Coast Shellfish Growers Association and an **oyster** farmer from Rhode Island, said that an estimated 10 billion oysters remain in U.S. waters, despite declines in the Chesapeake and other regions. He said fishermen from Florida and Maine should not be punished for the mismanagement of the Chesapeake Bay's resources.

"The consumers will hear that oysters are endangered, and they will say, 'I shouldn't be eating an endangered species,' and the industry will collapse," Rheault said. "With proper management, we can have a profitable **oyster** population despite disease and pollution."

Rep. Wayne T. Gilchrest, a Maryland Republican and member of the committee, said he doubts the petition to protect the **oyster** will succeed.

"I don't think it should be listed, and I don't think it will be. But there are enormous problems with pollution and disease and water quality and over-harvesting," Gilchrest said. "We need to take a look at the problems that caused this population decline in the first place."

The oceanic administration announced in May that it was reviewing the Eastern **oyster** for possible endangered species status, in consultation with U.S. Fish and Wildlife Service and other agencies, but will accept public input and deliberate for a year before making its decision final.

Document BSUN000020050720e17k0003j

© 2005 Dow Jones Reuters Business Interactive LLC (trading as Factiva). All rights reserved.